

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2679 OF 2021

Pramod P. Pisal

...Petitioner

Versus

State of Maharashtra and Anr.

...Respondents

— — — —

Mr. Karansingh Rajput for the Petitioner.

Mr. J.P. Yagnik, APP for the Respondent/State.

Mr. Tejas Mane i/b Harshvardhan Salgaonkar for Respondent No.2.

Mr. Siddhant Dhavale i/b MZM Legal for Respondent No.2
(discharged).

API Atul Adurkar, EOW Mumbai present.

**CORAM : SUNIL B. SHUKRE, AND
M.M.SATHAYE, JJ.**

DATE : 11th APRIL 2023

P.C.

1. A copy of the report of the Investigating Officer is taken on record. It shows that even upon making complete investigation, no evidence warranting trial of the Petitioner for the offence registered against him could be collected by the Investigating Officer and therefore, now, the Investigating Officer proposes to file a final report which is stated on instructions by the learned APP to be 'C' summary report.

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2. Leave to file 'C' summary report is granted. If 'C' summary report is filed by the Investigating Officer, learned Magistrate shall take his decision thereupon at the earliest, after giving hearing to the complainant and all the accused persons.
3. The learned Counsel for the complainant states that since he has not received any instructions from the complainant inspite of making several attempts to reach out to him, he seeks leave of the court to discharge him from the Advocate on record for the complainant.
4. Statement made by the learned Counsel for the complainant is accepted and accordingly, he is discharged as an Advocate for the complainant.
5. There is another Advocate Mr. Tejas Mane, who is now appearing for the complainant/Respondent No.2, but he is yet to file vakalatnama for the complainant. He seeks time of one week for filing vakalatnama on behalf of the complainant. He also submits that he received intimation of listing of the matter yesterday only and also there was not enough time available with him to obtain instructions from the complainant.
6. We do not think that it is necessary for this Court to grant any further time to the complainant for filing of vakalatnama of another Advocate as 'C' summary report is proposed to be filed. When 'C' summary report is proposed to be filed, nothing survives in the petition which seeks quashing of the FIR and all that is left to be done is to accept or reject the 'C' summary report

and pass necessary order in the matter by the concerned criminal Court. That job being within the exclusive domain with the concerned criminal court, this Court cannot interfere in the matter. In such a case, the parties are required to be relegated to the Trial Court, where they can put up their respective stand. In this view of the matter, the prayer of the proposed Advocate for the complainant to grant further one week time is rejected.

7. Nothing survives in the petition and therefore, the petition is disposed of as infructuous.

8. The concerned criminal Court is directed to dispose of 'C' summary report as early as possible, preferably within eight weeks from the date of its filing, in accordance with law, after giving due opportunity of hearing to the complainant and also to the accused persons.

9. All questions are kept open.

(M.M.SATHAYE, J.)

(SUNIL B. SHUKRE, J.)